



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/662,323

09/16/2003

Isao Hirooka

031013

9164

38834 7590 07/16/2007
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

AVELLINO, JOSEPH E

ART UNIT

PAPER NUMBER

2143

MAIL DATE

DELIVERY MODE

07/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/662,323

Applicant(s)

HIROOKA, ISAO

Examiner

Joseph E. Avellino

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. Claims 1-7 are presented for examination; claim 1 independent.

Claim Rejections - 35 USC § 112

2. The Office has considered the amendments to the claims. The rejection under this heading has been withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eryurek et al. (USPN 6,839,660) (hereinafter Eryurek).

4. Referring to claim 1, Eryurek discloses a device diagnosis system, comprising:
a database server (i.e. diagnostics unit 44) for acquiring and centrally managing diagnostic data on a plurality of devices (the Office construes "plurality of devices" as a plurality of sensors collecting differing data regarding various devices) to which different types of diagnostic software are applied (col. 4, lines 10-40);

a client (i.e. service provider site computer 74) connected to said database server via a network (col. 6, lines 25-27), comprising:

a diagnosis execution unit for executing said diagnostic software according to the diagnostic data (i.e. differing types of diagnostic software is applied to the raw data) (col. 6, lines 30-35); and

a human-machine interface for communicating with the database server and said diagnosis execution unit (col. 6, lines 45-50).

Eryurek does not specifically disclose storing the diagnosis results generated by the diagnostic software on the database server, however does disclose that the diagnosis unit is able to run diagnostic software and store results on the unit (col. 5, lines 35-50) and that the service computer 74 can periodically verify and expand on the conditions detected by the diagnosis unit (col. 6, lines 45-50) and the service computer can send information to the host computer regarding the detected conditions of the machines (col. 6, lines 35-40). One of ordinary skill in the art would understand the benefit of storing the results on the diagnosis server in order to provide efficient logging of the results provided by the service provider computer, thereby ensuring that all the pertinent data is stored in one place, easily available for auditing or for review.

5. Referring to claim 2, Eryurek discloses a common interface to execute the diagnostic software (i.e. the service computer 74 executes the diagnostic software) (col. 6, lines 30-35).

Art Unit: 2143

6. Claim 3 is rejected for similar reasons as stated above. Furthermore the Office construes a "work area" as any data which can store diagnosis results.

7. Referring to claim 4, Eryurek discloses the server obtaining diagnostic data from devices under diagnosis through an external tool (i.e. sensors). Eryurek does not explicitly disclose obtaining diagnostic data from direct user input, however it is well known for technicians to provide observation data as an entry for diagnostic purposes. By this rationale, "Official Notice" is taken that both the concepts and advantages of providing for direct user input as a means for obtaining diagnostic data is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to modify the system of Eryurek to include direct user input as part of the diagnostic data in order to account for variables which cannot be easily measured by sensors, thereby providing even more data for which to make a diagnosis.

8. Referring to claims 5 and 6, Eryurek discloses the invention substantively as described in claim 1. Eryurek furthermore discloses performing a plurality of diagnostic software programs on the data (col. 6, lines 25-36). Eryurek does not explicitly disclose the software screens used to monitor the routines, as well as a diagnostic control unit for providing screens specific to the diagnostic software and a common control unit for providing screens common to all the diagnostic software, however this is a well known software program architecture in order to allow a user to modify values common to all routines and to modify values specific to a particular routine. By this rationale, "Official

Art Unit: 2143

Notice" is taken that both the concepts and advantages of providing for monitoring the diagnostic software, as well as providing screens specific to routines as well as common to all routines is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to modify the teaching of Eryurek to include monitoring screens as well as a diagnostic control unit for providing screens specific to the diagnostic software and a common control unit for providing screens common to all the diagnostic software in order to tailor the diagnostic programs run by the service computer 74 to the operating conditions of the particular site (i.e. which devices does the data pertain to, how many of each, what particular sensors are utilized, etc.).

9. Referring to claim 7, Eryurek discloses the use of an external network (i.e. internet) (col. 6, lines 25-26).

Response to Arguments

10. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

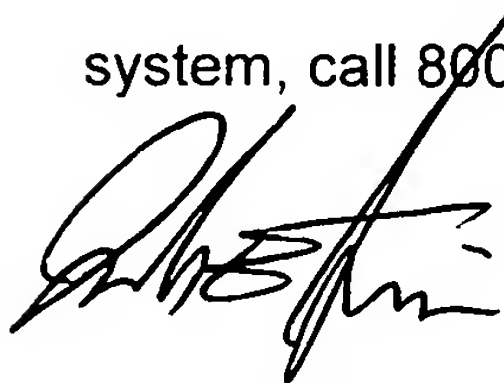
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2143

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Joseph E. Avellino, Examiner
July 3, 2007